hauled into the main processing building where the copper is separated from the steel and other debris with an air-forced cyclone separator. The dust from this operation was directly vented out a window into the streets and sidewalks of neighboring residences with no dust or pollution control. The facility claims that some dust control has recently been connected to this system. However, as of the date of this Order, no such controls have been implemented. The OSC has referred this air compliance issue to IEPA, to the Cook County Air Board and to the City of Chicago.

Also, during the inspection, CIE workers were observed to burn wood and other debris in the east lot, and burning of wire in barrels was observed at the west lot. Later, CIE workers put out the burning wire with water from a hose. The materials burned in the 55-gallon drum gave off a black smoke that was irritating to the eyes, nose, and throat. A motor had been cut open and oil was observed spilling onto the soil of the east lot. The soil, debris, and reclaimed copper and metal were all observed to be coated in oil, and large oil stains were observed in both the east and west lots. An open ended pipe was observed exiting the building from the copper separation system, and a continuous release of dust was observed blowing directly into the neighboring residences.

- 15. To characterize the hazardous substances reported from earlier investigations, on February 22, 1994, U.S. EPA collected ten soil samples and analyzed them for total metals, Toxicity Characteristic Leaching Procedure ("TCLP") metals, PCBs, volatile compounds and base neutral acids, and Dioxin. The analytical information confirmed that the soil and debris found on-site are characteristic hazardous wastes by Resource Conservation and Recovery Act ("RCRA") definition and that the material is PCB contaminated under the Toxic Substances Control Act (TSCA). Nine of ten samples collected were above RCRA regulatory levels for lead, and two of the samples were above RCRA regulatory levels for cadmium. Nine of the ten samples collected were above the TSCA regulatory level of 50 ppm for PCBs. Samples S1, S2, S3 and S7 were all taken in the north end of the Main Yard and were all above the RCRA regulatory level of 5 mg/l of TCLP lead. In addition, samples S1, S2, S3, S7 and S10 were all above the TSCA regulatory level for PCBs of 50 ppm. Samples S4, S5, S8 and S9 were taken in the West Yard and analyzed, and were all above the RCRA regulatory level of 5 mg/l for lead. In addition, samples S4, S5, S6, S8 and S9 were all above the TSCA regulatory level of 50 ppm for PCBs. This data confirms that hazardous wastes and hazardous substances are spread over the entire Site, including soils, fluff piles, and scrap.
- 16. The area directly underneath the shredding operations is concrete and pavement but a large part of the yard is soil. Waste fluff and debris and ash piles are found disposed of in

Representative

piles in the north part of the yard where the wire incinerator and building were demolished. A foundation remains of the demolished building, as does debris from the smoke stack from the incinerator. Two operating aluminum furnaces remain in the southern portion of the yard.

In addition, high PCB levels were detected in nine of the ten samples above the TSCA regulatory levels of 50 ppm. The samples ranged from 61 ppm to 2,000 ppm, confirming the three previous inspections by TSCA, IEPA, and TAT. Total metal values for lead, copper, and zinc were extremely high and above the health risk values, creating a high potential for ingestion and inhalation of airborne dust by neighboring residences, the public entering the Site, and by CIE employees.

Dioxin and Furans were detected in four samples, with two samples containing levels above the 1 ppm 2,3,7,8 Total Equivalency Factor risk-based level. The Dioxins and Furans were resultant of burning PCB-containing transformers and capacitors as reported to the IEPA by a nearby plant employee in February 1984. In addition, the burning of wire casings has been documented to create incomplete products of combustion including Dioxin and Furans, which are deposited in the air and into the ash.

17. Elevated levels of heavy metals such as cadmium, lead, zinc, and copper are known to be toxic to humans and animals. Exposure to lead may be especially hazardous to children, potentially causing a decrease in intelligence (IQ) scores, slowing of growth, liver and birth defects, and hearing problems. Neurobehavioral development in children may occur at blood lead levels so low as to be essentially without a threshold. The degree of uncertainty regarding the health effects caused by lead is low.

Inhalation of cadmium contaminated dust mainly affects the respiratory tract. Brief exposure to high concentrations of cadmium may result in pulmonary edema and death. Cadmium compounds are recognized carcinogens of the connective tissues, lungs, and liver.

18. PCBs are known potential carcinogens that bioaccumulate in humans and animals. Exposure to PCBs may cause liver damage, skin irritations, reproductive and developmental effects and cancer. PCBs are known to cause decreased birth weights in monkeys, as well as adverse learning deficits. Behavioral dysfunctions, including deficits in visual recognition and short term memory, have been observed in infants of human mothers who consumed fish contaminated with PCB mixtures of unknown composition. PCBs are recognized mutagens and potential carcinogens and can cause liver damage leading to death if severe.

- 19. EPA has developed a methodology to assess the toxicity of complex mixtures of dioxin congeners through the use of "toxic equivalency factors". These factors convert mixtures of congeners to a toxicologically equivalent amount of 2,3,7,8-TCDD. Mixtures of dioxin congeners can be quantified in terms of total dioxin or in terms of 2,3,7,8-TCDD toxicity, described as dioxin toxic equivalency (TEQ).
- 20. Based on available toxicity data and structure-activity comparisons with 2,3,7,8-TCDD, EPA considers all 2,3,7,8 dioxins and 2,3,7,8 polychlorinated dibenzofuran congeners as probable human carcinogens. Animal studies have demonstrated that dioxin at dosages in parts per trillion causes non-cancer effects, including adverse impacts on reproduction, immunology, liver, and growth processes. These studies and a limited number of studies of human exposure to dioxin suggest the potential for the same types of non-cancer effects in humans. Some of these adverse effects may be occurring at or within one order of magnitude of average TEQ intake or body burden levels.
- 21. On September 14, 1994, a Unilateral Administrative Order, Docket No. V-W-94-C-249 ("UAO") was issued to Respondents by U.S. EPA in response to the release or threat of release of hazardous substances at the Site. The UAO required Respondents to, inter alia, treat/dispose of all contaminated soils, solid waste material, and liquids at the Facility, restrict access, cease fugitive dust emissions from the metal shredder and separator, cease open burning, and conduct confirmation sampling. During a meeting on October 5, 1994, Respondent Steven Cohen indicated that Respondents would not be able to implement the actions identified in the UAO.
- 22. For purposes of further defining the extent of contamination at the Site, and to begin the removal action, U.S. EPA requested access during a meeting with Respondents on October 5, 1994, and again by telephone on or about October 7 and 10th, 1994.
- 23. By letter dated October 11, 1994, Respondents refused to allow U.S. EPA access to the site except with respect to a small portion near the north end of the east lot and to the west lot where trailers and other equipment are located.
- 24. On or about October 17, 1994, U.S. EPA collected soil and solid waste samples from the small portion of the Site where access was allowed. Results of that sampling indicate that material processed through Respondents' metal shredding operation contains concentrations of PCBs at 170 ppm, and that samples from the shredder belt contain PCBs at 270 ppm, and that samples from a debris pile which included material not yet shredded, and apparently destined for shredding, contains PCBs at 124 ppm and TCLP lead at 8.5 ppm. Additional results



- from soil samples taken at the Site on or about October 20, 1994, indicate soil contamination with PCBs at 201 ppm and TCLP lead concentrations at 37 ppm.
- 25. By letter dated October 18, 1994, Respondents indicated they do not intend to comply with the UAO.
- 26. In order to perform sampling and other activities identified in the UAO on the entire site, and to otherwise respond to the release or threat of release of hazardous substances from the entire site, U.S. EPA issued an Administrative Order for access Docket No. VW-95-C-266 ("Access Order") which was signed on November 1, 1994, and effective on November 7, 1994, to Respondents.
- 27. By letter dated November 7, 1994, Respondents indicated they did not intend to comply with the Access Order by the effective date.
- 28. On November 18, 1994, U.S. EPA obtained a court order allowing U.S. EPA access to the south portion of the east lot for sampling.
- Between November 21, 1994, and the date of this Order, U.S. EPA collected additional soil and shredded electric motor samples, including soil samples from beneath concrete pads, and samples from within the gravity separator building. Results of that sampling indicate contamination of up to 1271 ppm PCBs in the soil, shredded electric motors, and gravity separator system. In addition, sample results indicate high levels of lead which exceed the RCRA regulatory limit of 5 mg/l TCLP were detected in soil above and beneath the concrete pads, and in shredded and unshredded motor piles. of shredded and unshredded motors indicated samples contamination of up to 1737 ppm PCBs, and elevated levels of lead above the RCRA regulatory limit of 5 mg/l TCLP at the Facility. Samples of material processed through Respondents' shredding operation indicated that Respondents are generating material contaminated with up to 1051 ppm PCBs and 1470 ppm total lead. Samples from dust and debris generated by the shredding and metal separating process indicate Respondents' metal shredding and metal separating operations are causing a release of hazardous substances including PCBs which have been found in shredded material up to 1,851 ppm, and total lead at levels up to 32,000 ppm.
- 30. Between November 25, 1992, and November 15, 1994, U.S. EPA has conducted air inspections and conducted visible emission readings from the metal separator and shredder. Based on those inspections and emission readings, U.S. EPA issued a Notice of Violation under the Clean Air Act to Respondents dated December 16, 1994, citing various violations

of the Clean Air Act due to Respondents' metal shredding and sorting operations at the Facility.

EPA is currently conducting a removal action, as authorized by the Action Memorandum dated September 22, 1994, at the Facility, where access has not been denied, to abate the threat to public health, welfare or the environment posed by the Facility, as set forth in the Action Memorandum. Action Memorandum sets forth the actions authorized at the Facility which include, implementing a sampling plan across the entire site to determine the nature and extent of contamination, excavation/disposal of all soils and solid waste contaminated with PCBs which exceed 10 ppm, and/or concentrations of lead which exceed 5 milligrams per liter (mg/l) TCLP and 500 ppm total lead, and or concentrations of cadmium which exceed 1 mg/l TCLP, and/or concentrations of Dioxin which exceed 1 ppb 2,3,7,8-TCDD total equivalency, and/or concentrations of any other hazardous substance found on Site which exceeds the applicable Federal clean-up standards. All such contaminated soil and solid waste is or shall be treated/disposed at a RCRA/TSCA-approved disposal facility.

#### IV. CONCLUSIONS OF LAW AND DETERMINATIONS

Based on the Findings of Fact set forth above, and the Administrative Record supporting these removal actions, U.S. EPA determines that:

- 1. The Standard Scrap Metal/Chicago International Exporting Site is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).
- 2. PCBs, lead, cadmium, and Dioxin are "hazardous substances" as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).
- 3. Each Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), and by Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).
- 4. Respondents Chicago International Exporting, Chicago International Chicago, Mr. Steven Cohen, and Mr. Lawrence Cohen are the present "owners" and "operators" of the Standard Scrap Metal/Chicago International Exporting Site, as defined by Section 101(20) of CERCLA, 42 U.S.C. § 9601(20). Respondents are therefore liable persons under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).
- 5. The conditions described in the Findings of Fact above constitute an actual or threatened "release" into the "environment" as defined by Sections 101(8) and (22) of CERCLA, 42 U.S.C. §§ 9601(8) and (22) of hazardous substances.

- 6. The conditions present at the Site constitute a threat to public health, welfare, or the environment based upon the factors set forth in Section 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan, as amended ("NCP"), 40 CFR Part 300. These factors include, but are not limited to, the following:
  - a. actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, pollutants or contaminants;

this factor is present at the Site due to the existence of high levels of PCB's, lead, cadmium and Dioxin that are present at the surface and subsurface in soils and solid waste material at the Site. The contaminated soil is a hazardous waste, as defined by RCRA. Analytical results have confirmed TCLP metals, cadmium at 1.3 milligrams per liter ("mg/l"), and lead at 71 mg/l. The RCRA limits for cadmium and lead are 1.0 and 5.0 mg/l, respectively. Total PCBs were detected in onsite soils at up to 1851 ppm and in on-site solid waste at up The TSCA regulatory level for PCBs is 50 ppm. to 1737 ppm. The PCBs can be directly associated with past activities at the Site as reported by a nearby plant employee, and a former railroad employee, as well as with current Site activities as confirmed by solid waste samples and soil samples from shredded material and debris on the belt of the shredder. The current practice of shredding electric motors causes releases of PCB's from the electrical capacitors inside the motors. The Agency for Toxic Substances and Disease Registry ("ATSDR") considers 1 microgram per kilogram ("ug/kg") (2,3,7,8-TCDD equivalence) of Dioxin in soil to be a level of concern in residential areas. Sample results from on-site soils have confirmed Dioxin levels οf 4.004 ug/kg (2,3,7,8-TCDD equivalence). The proximity to residences and the observed releases of dust and smoke from the burning of wire and debris present a direct contact threat to hazardous substances. addition, the threat of direct contact to hazardous substances to the public dropping off scrap, and to the CIE workers is evident.

b. high levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate;

this factor is present at the Site due to the existence of high levels of heavy metals that are above RCRA limits for cadmium and lead. High levels of copper, lead and zinc have been identified through soil sampling, and visible emissions of 70% were observed by a U.S. EPA certified emission reader, releasing off-site when the shredding and separation operations are in progress. Sample results from material in the cyclone metal separator indicate that dust from the shredder and separator is contaminated with up to 913 ppm of

PCBs and 3,000 ppm of lead and 220 ppm cadmium. The dust, fluff, tin foil, mica and other contaminated components have been observed releasing from the site into the neighborhood, and street, and exposing the workers during the shredding and separation operations. In addition, the soils contain Dioxins found in concentrations greater than health based levels of 1 ug/kg using the 2,3,7,8 total equivalency factors. potential for migration of contaminants from the facility exists due to wind blown dust, and dust from the shredding and separation operations, and potential dust emissions from open burning. Rain can also cause run-off of contaminants from the Site onto the street and into the residential neighborhood. In addition, the shredding and separation operations produce a tremendous amount of dust during operations which can Observed releases of dust to the migrate off-site. neighboring residences were documented during the U.S. EPA's site inspection.

c. weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

this factor is present at the Site due to the existence of high levels of lead, cadmium, PCBs and Dioxin which can migrate off-site via surface run-off. In addition, the dry and windy weather causes contaminated soils and non-metallic fluff to release to the neighboring residences via dust-blown particles. The release of dust was observed by the U.S. EPA during the inspection on February 22, 1994, and on other occasions to the present.

d. the unavailability of other appropriate federal or state response mechanisms to respond to the release;

this factor supports the actions required by this Order at the Site. The Site was referred to U.S. EPA by the IEPA and the City of Chicago.

e. other situations or factors that may pose threats to public health or welfare or the environment;

this factor is present at the Site due to the existence of observed releases of contaminated dust and shredded material from the shredding and separation of electrical motor components, and due to open burning of wire and other materials. These components often contain PCBs and high levels of heavy metals. The facility had no pollution control equipment on the shredding and separation equipment; shredding and copper separation systems are continuously releasing contaminated dust, fluff, foil, mica and other contaminated shredded components directly to the sidewalk, street, and residences via a duct which leads outside the main building. Potentially contaminated dust from the shredding and separation operations is continuously being released from the

facility and has been observed and documented to be impacting the neighboring residences.

- 7. The actual or threatened release of hazardous substances from the Site may present an imminent and substantial endangerment to the public health, welfare, or the environment within the meaning of Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).
- 8. The removal actions required by this Order are necessary to protect the public health, welfare, or the environment, and are not inconsistent with the NCP and CERCLA.
- 9. The waste material stored, handled and disposed of by Respondents' as a result of their metal shredding and metal separating processes is "solid waste", as that term is defined at Section 1004(27) of RCRA, 42 U.S.C. §6903(27).
- 10. Solid wastes have been and are presently being transported to and from, handled, stored, and disposed of at the Facility.
- 11. Respondents' past and/or present handling, storage, treatment, transportation, and/or disposal of solid waste at the Facility presently results in PCB, lead, and cadmium emissions from the Facility which may present an imminent and substantial endangerment to health or the environment within the meaning of Section 7003(a) of RCRA, 42 U.S.C. § 6973(a). Respondents are contributing to handling, storage, treatment, transportation, or disposal of such solid waste within the meaning of Section 7003(a) of RCRA, 42 U.S.C. § 6973(a).
- 12. The actions required by this Order are necessary to protect public health and the environment, based on the foregoing Findings of Fact, Conclusions of Law and Determinations.

#### V. ORDER

Based upon the foregoing Findings of Fact, Conclusions of Law, Determinations, and the Administrative Record for this Site, U.S. EPA hereby orders that Respondents perform the following actions:

#### 1. Notice of Intent to Comply

Respondents shall notify U.S. EPA in writing within 3 business days after the effective date of this Order of Respondents' irrevocable intent to comply with this Order. Failure of each Respondent to provide such notification within this time period shall be a violation of this Order.

## 2. <u>Designation of Contractor, Project Coordinator, and On-Scene Coordinator</u>

Respondents shall perform the removal actions themselves or retain contractors to implement the removal actions. Respondents shall notify U.S. EPA of Respondents' qualifications or the name and qualifications of such contractors, whichever is applicable, within 5 business days of the effective date of this Order. Respondents shall also notify U.S. EPA of the name and qualifications of any other contractors or subcontractors retained to perform work under this Order at least 5 business days prior to commencement of such work. U.S. EPA retains the right to disapprove of the Respondents or any of the contractors and/or subcontractors retained by the If U.S. EPA disapproves a selected contractor, Respondents. Respondents shall retain a different contractor within 2 business days following U.S. EPA's disapproval and shall notify U.S. EPA of that contractor's name and qualifications within 3 business days of U.S. EPA's disapproval.

Within 5 business days after the effective date of this Order, the Respondents shall designate a Project Coordinator who shall be responsible for administration of all the Respondents' actions required by the Order and submit the designated coordinator's name, address, telephone number, and qualifications to U.S. EPA. greatest extent possible, the Project Coordinator shall be present on site or readily available during site work. U.S. EPA retains the right to disapprove of any Project Coordinator named by the Respondents. U.S. EPA disapproves a selected Project Ιf Coordinator, Respondents shall retain a different Project Coordinator within 3 business days following U.S. EPA's disapproval and shall notify U.S. EPA of that person's name and qualifications within 4 business days of U.S. EPA's disapproval. Receipt by Respondents' Project Coordinator of any notice or communication from U.S. EPA relating to this Order shall constitute receipt by all Respondents.

The U.S. EPA has designated Steve Faryan of the Emergency and Enforcement Response Branch, Region 5, as its On-Scene Coordinator ("OSC"). Respondents shall direct all submissions required by this Order to the OSC at 77 West Jackson Boulevard, HSE-5J, Chicago, Illinois, 60604-3590, by certified or express mail. Respondents shall also send a copy of all submissions to Kurt Lindland, Assistant Regional Counsel, 200 West Adams Street, CS-29A, Chicago, Illinois, 60606. All Respondents are encouraged to make their submissions to U.S. EPA on recycled paper (which includes significant post consumer waste paper content where possible) and using two-sided copies.

#### 3. Work to Be Performed

Respondents shall perform, at a minimum, the following response activities:

- a. Cease any operations at the Facility which releases or causes a threat of release of any hazardous substance into the air or onto the surface of the Facility unless and until Respondents install and implement dust emission control equipment sufficient to ensure that there will be no such release, or threat of release of hazardous substances.
- b. For as long as the metal shredding and separating process is operated at the Facility, conduct weekly sampling of each waste stream from the metal shredder and the metal cyclone separator, including, without limitation, scrap steel, copper fines, fluff, dust, and cyclone separator discharge, for PCBs and TCLP metals.
- c. For as long as the metal shredding and metal cyclone separating process is operated at the Facility, conduct daily air sampling at the perimeter of the site for PCBs and total metals.
- d. Prepare and submit a sampling plan to U.S. EPA to conduct the sampling required by paragraphs 3b. and 3c. above; identifying standard operating procedures and methods for all sample collection and analysis, and reporting.

Within 10 business days after the effective date of this Order, the Respondents shall submit to U.S. EPA for approval a draft Work Plan for performing the removal activities set forth above. The draft Work Plan shall provide a description of, and an expeditious schedule for, the activities required by this Order.

#### 3.1 Quality Assurance and Sampling

All sampling and analyses performed pursuant to this Order shall conform to U.S. EPA direction, approval, and guidance regarding sampling, quality assurance/quality control ("QA/QC"), data validation, and chain of custody procedures. Respondents shall ensure that the laboratory used to perform the analyses participates in a QA/QC program that complies with U.S. EPA guidance. Upon request by U.S. EPA, Respondents shall have such a laboratory analyze samples submitted by U.S. EPA for quality assurance monitoring. Respondents shall provide to U.S. EPA the quality assurance/quality control procedures followed by all sampling teams and laboratories performing data collection and/or analysis. Respondents shall also ensure provision of analytical tracking information consistent with OSWER Directive No. 9240.0-2B, "Extending the Tracking of Analytical Services to PRP-Lead Superfund Sites."

Upon request by U.S. EPA, Respondents shall allow U.S. EPA or its authorized representatives to take split and/or duplicate samples of any samples collected by Respondents or their contractors or

agents while performing work under this Order. Respondents shall notify U.S. EPA not less than 3 business days in advance of any sample collection activity. U.S. EPA shall have the right to take any additional samples that it deems necessary.

#### 3.2 Reporting

Respondents shall submit a weekly written progress report to U.S. EPA concerning activities undertaken pursuant to this Order, beginning 7 calendar days and every 7 calendar Days after the date of U.S. EPA's approval of the Sampling Plan, until termination of this Order, unless otherwise directed by the OSC. These reports shall describe all significant developments during the preceding period, including the work performed and any problems encountered, analytical data received during the reporting period, and developments anticipated during the next reporting period, including a schedule of work to be performed, anticipated problems, and planned resolutions of past or anticipated problems.

Any Respondent that owns any portion of the Site, and any successor in title shall, at least 30 days prior to the conveyance of any interest in real property at the Site, give written notice of this Order to the transferee and written notice of the proposed conveyance to U.S. EPA and the State. The notice to U.S. EPA and the State shall include the name and address of the transferee. The party conveying such an interest shall require that the transferee will provide access as described in Section V.4 (Access to Property and Information).

#### 4. Access to Property and Information

Respondents shall provide or obtain access as necessary to the Site, including the West Yard, and the entire Main Yard (a.k.a East Yard), and all areas connecting the West and Main Yard, and shall provide access to all records and documentation related to the conditions at the Site and the activities conducted pursuant to this Order. Such access shall be provided to U.S. EPA employees, contractors, agents, consultants, designees, representatives, and State of Illinois representatives. These individuals shall be permitted to move freely at the Site and appropriate off-site areas in order to conduct activities which U.S. EPA determines to be necessary. Respondents shall submit to U.S. EPA, upon request, the results of all sampling or tests and all other data generated by Respondents or their contractors, or on the Respondents' behalf during implementation of this Order.

Where work under this Order is to be performed in areas owned by or in possession of someone other than Respondents, Respondents shall obtain all necessary access agreements within 14 calendar days after the effective date of this Order, or as otherwise specified in writing by the OSC. Respondents shall immediately notify U.S. EPA if, after using their best efforts, they are unable to

obtain such agreements. Respondents shall describe in writing their efforts to obtain access. U.S. EPA may then assist Respondents in gaining access, to the extent necessary to effectuate the response activities described herein, using such means as U.S. EPA deems appropriate.

#### 5. Record Retention, Documentation, Availability of Information

Respondents shall preserve all documents and information relating to work performed under this Order, or relating to the hazardous substances found on or released from the Site, for six years following completion of the removal actions required by this Order. At the end of this six year period and at least 60 days before any document or information is destroyed, Respondents shall notify U.S. EPA that such documents and information are available to U.S. EPA for inspection, and upon request, shall provide the originals or copies of such documents and information to U.S. EPA. In addition, Respondents shall provide documents and information retained under this Section at any time before expiration of the six year period at the written request of U.S. EPA.

#### 6. Off-Site Shipments

All hazardous substances, pollutants or contaminants removed offsite pursuant to this Order for treatment, storage or disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by U.S. EPA, with the U.S. EPA Revised Off-Site Rule, 40 CFR § 300.440, 58 Federal Register 49215 (Sept. 22, 1993).

#### 7. Compliance With Other Laws

All actions required pursuant to this Order shall be performed in accordance with all applicable local, state, and federal laws and regulations except as provided in CERCLA Section 121(e) and 40 CFR Section 300.415(i). In accordance with 40 CFR Section 300.415(i), all on-site actions required pursuant to this Order shall, to the extent practicable, as determined by U.S. EPA, considering the exigencies of the situation, attain applicable or relevant and appropriate requirements under federal environmental or state environmental or facility siting laws.

#### 8. Emergency Response and Notification of Releases

If any incident, or change in Site conditions, during the activities conducted pursuant to this Order causes or threatens to cause an additional release of hazardous substances from the Site or an endangerment to the public health, welfare, or the environment, the Respondents shall immediately take all appropriate action to prevent, abate or minimize such release, or endangerment caused or threatened by the release. Respondents shall also immediately notify the OSC or, in the event of his/her unavailability, shall notify the Regional Duty Officer, Emergency

and Enforcement Response Branch, Region 5 at (312) 353-2318, of the incident or Site conditions.

Respondents shall submit a written report to U.S. EPA within 7 business days after each release, setting forth the events that occurred and the measures taken or to be taken to mitigate any release or endangerment caused or threatened by the release and to prevent the reoccurrence of such a release. Respondents shall also comply with any other notification requirements, including those in CERCLA Section 103, 42 U.S.C. § 9603, and Section 304 of the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. § 11004.

#### VI. AUTHORITY OF THE U.S. EPA ON-SCENE COORDINATOR

The OSC shall be responsible for overseeing the implementation of this Order. The OSC shall have the authority vested in an OSC by the NCP, including the authority to halt, conduct, or direct any work required by this Order, or to direct any other response action undertaken by U.S. EPA or Respondents at the Site. Absence of the OSC from the Site shall not be cause for stoppage of work unless specifically directed by the OSC.

U.S. EPA and Respondents shall have the right to change their designated OSC or Project Coordinator. U.S. EPA shall notify the Respondents, and Respondents shall notify U.S. EPA, as early as possible before such a change is made, but in no case less than 24 hours before such a change. Notification may initially be made orally, but shall be followed promptly by written notice.

#### VII. PENALTIES FOR NONCOMPLIANCE

Violation of any provision of this Order may subject Respondents to civil penalties of up to \$25,000 per violation per day, as provided in Section 106(b)(1) of CERCLA, 42 U.S.C. § 9606(b)(1). Respondents may also be subject to punitive damages in an amount up to three times the amount of any cost incurred by the United States as a result of such violation, as provided in Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3). Should Respondents violate this Order or any portion hereof, U.S. EPA may carry out the required actions unilaterally, pursuant to Section 104 of CERCLA, 42 U.S.C. § 9604, and/or may seek judicial enforcement of this Order pursuant to Section 106 of CERCLA, 42 U.S.C. § 9606.

#### VIII. REIMBURSEMENT OF COSTS

Respondents shall reimburse U.S. EPA, upon written demand, for all response costs incurred by the United States in overseeing Respondents' implementation of the requirements of this Order.

U.S. EPA may submit to Respondents on a periodic basis a bill for all response costs incurred by the United States with respect to this Order. U.S. EPA's Itemized Cost Summary, or such other summary as certified by U.S. EPA, shall serve as the basis for payment.

Respondents shall, within 30 days of receipt of the bill, remit a cashier's or certified check for the amount of those costs made payable to the "Hazardous Substance Superfund," to the following address:

U.S. Environmental Protection Agency Superfund Accounting P.O. Box 70753 Chicago, Illinois 60673

Respondents shall simultaneously transmit a copy of the check to the Director, Waste Management Division, U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604-3590. Payments shall be designated as "Response Costs - Standard Scrap Metal/Chicago International Exporting Site" and shall reference the payors' name and address, the U.S. EPA site identification number HQ, and the docket number of this Order.

Interest at a rate established by the Department of the Treasury pursuant to 31 U.S.C. § 3717 and 4 CFR § 102.13 shall begin to accrue on the unpaid balance from the day after the expiration of the 30 day period notwithstanding any dispute or an objection to any portion of the costs.

#### IX. RESERVATION OF RIGHTS

Nothing herein shall limit the power and authority of U.S. EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants or contaminants, or hazardous or solid waste on, at, or from the Site. Further, nothing herein shall prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this Order. U.S. EPA also reserves the right to take any other legal or equitable action as it deems appropriate and necessary, or to require the Respondents in the future to perform additional activities pursuant to CERCLA or any other applicable law.

#### X. OTHER CLAIMS

By issuance of this Order, the United States and U.S. EPA assume no liability for injuries or damages to persons or property resulting from any acts or omissions of Respondents. The United States or U.S. EPA shall not be a party or be held out as a party to any

contract entered into by the Respondents or their directors, officers, employees, agents, successors, representatives, assigns, contractors, or consultants in carrying out activities pursuant to this Order.

This Order does not constitute a pre-authorization of funds under Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2).

Nothing in this Order constitutes a satisfaction of or release from any claim or cause of action against the Respondents or any person not a party to this Order, for any liability such person may have under CERCLA, other statutes, or the common law, including but not limited to any claims of the United States for costs, damages and interest under Sections 106(a) or 107(a) of CERCLA, 42 U.S.C. §§ 9606(a), 9607(a).

#### XI. MODIFICATIONS

Modifications to any plan or schedule may be made in writing by the OSC or at the OSC's oral direction. If the OSC makes an oral modification, it will be memorialized in writing within 7 business days; however, the effective date of the modification shall be the date of the OSC's oral direction. The rest of the Order, or any other portion of the Order, may only be modified in writing by signature of the Director, Waste Management Division, Region 5.

If Respondents seek permission to deviate from any approved plan or schedule, Respondents' Project Coordinator shall submit a written request to U.S. EPA for approval outlining the proposed modification and its basis.

No informal advice, guidance, suggestion, or comment by U.S. EPA regarding reports, plans, specifications, schedules, or any other writing submitted by the Respondents shall relieve Respondents of their obligations to obtain such formal approval as may be required by this Order, and to comply with all requirements of this Order unless it is formally modified.

#### XII. NOTICE OF COMPLETION

After submission of the Final Report, Respondents may request that U.S. EPA provide a Notice of Completion of the work required by this Order. If U.S. EPA determines, after U.S. EPA's review of the Final Report, that all work has been fully performed in accordance with this Order, except for certain continuing obligations required by this Order (e.g., record retention), U.S. EPA will provide notice to the Respondents. If U.S. EPA determines that any removal activities have not been completed in accordance with this Order, U.S. EPA will notify the Respondents, provide a list of the deficiencies, and require that Respondents modify the Work Plan to correct such deficiencies. The Respondents shall implement the

modified and approved Work Plan and shall submit a modified Final Report in accordance with the U.S. EPA notice. Failure to implement the approved modified Work Plan shall be a violation of this Order.

#### XIII. ACCESS TO ADMINISTRATIVE RECORD

The Administrative Record supporting these removal actions is available for review during normal business hours in the U.S. EPA Record Center, Region 5, 77 W. Jackson Boulevard, Seventh Floor, Chicago, Illinois. Respondents may contact Kurt Lindland, Assistant Regional Counsel, at (312) 886-6831 to arrange to review the Administrative Record. An index of the Administrative Record is attached to this Order.

#### XIV. OPPORTUNITY TO CONFER

Within 3 business days after receipt of this Order, Respondents may request a conference with U.S. EPA. Any such conference shall be held within 5 business days from the date of the request, unless extended by agreement of the parties. At any conference held pursuant to the request, Respondents may appear in person or be represented by an attorney or other representative.

If a conference is held, Respondents may present any information, arguments or comments regarding this Order. Regardless of whether a conference is held, Respondents may submit any information, arguments or comments in writing to U.S. EPA within 2 business days following the conference, or within 7 business days of issuance of the Order if no conference is requested. This conference is not an evidentiary hearing, does not constitute a proceeding to challenge this Order, and does not give Respondents a right to seek review of this Order. Requests for a conference shall be directed to Kurt Lindland, Assistant Regional Counsel, at (312) 886-6831. Written submittals shall be directed as specified in Section V.2 of this Order.

#### XV. SEVERABILITY

If a court issues an order that invalidates any provision of this Order or finds that Respondents have sufficient cause not to comply with one or more provisions of this Order, Respondents shall remain bound to comply with all provisions of this Order not invalidated by the court's order.

#### XVI. EFFECTIVE DATE

This Order shall be effective 10 business days following issuance unless a conference is requested as provided herein. If a

conference is requested, this Order shall be effective 5 business days after the day of the conference.

IT IS SO ORDERED

BY:

William E. Muno, Director Waste Management Division

United States

Environmental Protection Agency

Region 5

DATE: <u>Á</u>

## U.S. LAVIRONMENTAL PROTECTION AGENCY REMOVAL ACTION

# ADMINISTRATIVE RECORD FOR 106 ORDER STANDARD SCRAP METAL/CHICAGO INTERNATIONAL EXPORTING CHICAGO, ILLINOIS 01/25/95

DOC#	DATE -	AUTHOR	RECIPIENT	TITLE/DESCRIPTION	PAGES
1	00/00/00	U.S. EPA/Integrated Risk Information System		Information re: Reference Dose for Chronic Oral Exposure for Lead and Compounds, PCBs, Aroclor 1016, and Cadmium	15
2	00/00/75	Sax, I.		Excerpts from "Dangerous Properties of Industrial Materials" (4th Edition)	7
3	09/09/86	Moore, J., U.S. EPA	Allen, T., Piper & Marbury	Letter re: Interpretations Under TSCA Rules for Polychlorinated Biphenyls	3
4	06/00/90	U.S. Department of Health and Human Services/NIOSH		Tables: Excerpts from "Guide to Chemical Hazards"	4
<b>4</b> 3	11/05/92	U.S. EPA		Sampling Team Handwritten Notes From November 4-5, 1992	16
6	00/00/93	IEPA	U.S. EPA	CERCLA Screening Site Inspection Report	78
7	00/00/94	U.S. EPA		News Release: EPA Continues Cleanup (DRAFT)	2
8	05/06/94	Ecology and Environment, Inc.	U.S. EPA	Site Assessment Report	149
9	07/13/94	Lindland, K., U.S. EPA	Cohen, L., Chicago International Exporting	Letter re: Export of Materials	3
10	07/14/94	OSWER/U.S. EPA	U.S. EPA	Memorandum re: Revised Interim Soil Lead Guidance for CERCLA Sites and RCRA Corrective Action Facilities (OSWER Directive 9355.4-12)	8
11	09/06/94	Cohen, S., Chicago International Chicago, Inc.	Regel, D., U.S. EPA	Response to 104(e) Request w/Attachments	26
12	09/14/94	Faryan, S., U.S. EPA	Adamkus, V., U.S. EPA	Action Memorandum: Request for a Twelve Month and \$2 Million Dollar Exemption for the Time Critical Removal Action	15
13	09/14/94	U.S. EPA	Respondents	Unilateral Administrative Order w/Attached Sample Cover Letter	24
14	09/29/94	U.S. EPA		ERCS U.S. EPA Region 5 Work Plan Outline w/Attachments	18

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		28	12/00/94	U.S. EPA		November 2, 1994 - December 5, 1994 m/Attach-	9

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	29	12/02/94	Riedel Environmental Services, Inc.	U.S. EPA	Chain of Custody Records and Laboratory Reports for Samples Received November 22, 1994	20 <b>6</b>
	20	12/05/94	Faryan, S., U.S. EPA	Addressees	Memorandum: POLREP 2	2
	31	12/07/ <b>94</b>	Lindland, K., U.S. EPA	Nassif, J., Coburn Croft	Letter re: Removal of PCB Contaminated Material	3
	32	12/09/94	Faryan, S., U.S. EPA	Addressees	Memorandum: POLREP #3	2 .
	33 ,	12/16/94	Kee, D., U.S. EPA	Cohen, S. and Cohen L., Chicago International Exporting	Letter Forwarding Attached Notice of . Violation	6
	34 ,	12/16/94	Faryan, S., U.S. EPA	Addressees	Memorandum: POLREP #4	2
	35	01/05/ <b>95</b>	Lindland, K., U.S. EPA	Nassif, J., Coburn Croft	Letter re: Steps to be Taken by Owners / Operators to Continue U.S. EPA's Removal Action	4
	36	01/07/95	Faryan, S., U.S. EPA	Addressees	Memorandum: POLREP #5	4
	37	01/12/95	Lindland, K., U.S. EPA	Nassif, J., Coburn Croft	Letter re: On Going Removal Actions w/Attachments	9
	38	01/12/95	Faryan, S., U.S. EPA	Cohen, L. and Cohen, S., Chicago International Exporting	Letter re: U.S. EPA's Notification of Materials and Equipment to be Relocated to Facilitate the On Going Removal Action	2
	39	01/13/95	Faryan, S., U.S. EPA	Addressees	Memorandum: POLREP #6	2
	40	01/19/95	U.S. EPA		Standard Community Relations Plan	3

## ATTACHMENT B

## LIABILITY INDEX

	DOCUMENT TYPE	DATE	AUTHOR
1.	Site Assessment Report	5/6/94	Ecology & Environment
2.	Dunn & Brad Street Report	5/20/94	Dunn & Brad Street
3.	Information Request	6/30/94	U.S. EPA
4.	Telephone Log	7/19/94	U.S. EPA
5.	Information Request	7/28/94	U.S. EPA
6.	Information Request Response	8/10/94	LaSalle Banks
7.	Information Request	8/17/94	Cole Taylor Bank
8.	Information Request Follow-up	8/18/94	U.S. EPA
9.	Information Request	8/24/94	U.S. EPA
10.	Information Request Partial Response	9/6/94	Steven Cohen
11.	Information Request Follow-up	10/6/94	U.S. EPA
12.	Letter	10/12/94	U.S. EPA
13.	Memorandum	10/14/94	U.S. EPA

#### STANDARD SCRAP METAL/CHICAGO INTERNATIONAL EXPORTING SITE LIST OF RESPONDENTS RECEIVING UNILATERAL ADMINISTRATIVE ORDER

Chicago International Exporting c/o Carolin K. Shining, Esq. Three First National Plaza Suite 1960 Chicago, Illinois 60601-1210

Mr. Steven Cohen c/o Carolin K. Shining, Esq. Three First National Plaza Suite 1960 Chicago, Illinois 60601-1210

Mr. Lawrence Cohen c/o Carolin K. Shining, Esq. Three First National Plaza Suite 1960 Chicago, Illinois 60601-1210

Chicago International Chicago, Inc. c/o Carolin K. Shining, Esq. Three First National Plaza Suite 1960 Chicago, Illinois 60601-1210

#### Also to:

Chicago International Exporting 4020 South Wentworth Avenue Chicago, Illinois 60609

Mr. Steven Cohen 4020 South Wentworth Avenue Chicago, Illinois 60609

Mr. Lawrence Cohen 4020 South Wentworth Avenue Chicago, Illinois 60609

Chicago International Chicago, Inc. 4020 South Wentworth Avenue Chicago, Illinois 60609

bcc: - Docket Analyst, ORC (CS-3T) Kurt Lindland, ORC (CS-3T)

Steve Faryan (HSE-5J) Jose Cisneros, ESS (HSE-5J) Debbie Regel, ESS (HSE-5J) Oliver Warnsley, CRS (HSM-5J)

Toni Lesser, Public Affairs (P-19J) w/out attachments

Don Henne, Department of Interior

Tony Audia (MF-10J)

EERB Site File EERB Read File

# RECEIVED

FFB **09** 1995

U.S. EPA. Region 5 Office of Regional Counsel

#### IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

Civil Action No.

v.

STEVEN COHEN, LAWRENCE A. COHEN) CHICAGO INTERNATIONAL CHICAGO, ) INC., AND CHICAGO INTERNATIONAL) EXPORTING,

Defendants.

## DECLARATION IN SUPPORT OF MOTION FOR AN IMMEDIATE ORDER IN AID OF ACCESS

- I, Steven J. Faryan, in accordance with 28 U.S.C. § 1746, declare as follows:
- 1. I am employed by the United States Environmental Protection Agency ("EPA"), Region 5, at 77 West Jackson Blvd., Chicago, Illinois, and have been employed by EPA from July 1986 to the present. During my EPA employment, I have worked as an Environmental Scientist in the Emergency and Enforcement Response Branch as an On-Scene Coordinator ("OSC") in the Office of Superfund of EPA.
- 2. I am a resident of the State of Illinois. I received a B.A. degree from Southern Illinois University in Biological Sciences in 1981. From that date until accepting a job with EPA, I was a Field Chemist at Jacobs Engineering.
- 3. The Emergency and Enforcement Response Branch is charged with the responsibilities assigned to EPA by the Comprehensive Environmental Response, Compensation and Liability

Act of 1980, as amended (CERCLA), 42 U.S.C. § 9601 et seq. Regulations promulgated under CERCLA and implemented by EPA include the establishment of a National Contingency Plan, 40 C.F.R. Part 300 ("NCP").

- 4. Under the NCP, the Emergency Enforcement Response Branch at Region 5 EPA investigates and responds to releases and threatened releases of hazardous substances, pollutants, and contaminants with the States of Illinois, Ohio, Indiana, Michigan, Wisconsin, and Minnesota. The OSC is responsible for the development and implementation of response activities needed to mitigate such releases and threatened releases. As a regular part of those duties, the OSC maintains regular business records of the status of response investigations and activities with respect to a given site and reviews them for their accuracy.
- 5. Since July 1986, I have been an OSC at approximately 50 sites including the Standard Scrap Metal/Chicago International Exporting Facility, located at 4004 through 4020 South Wentworth and 4000 through 4027 South Wells Street, Chicago, Illinois ("SSM/CIE Facility" or "Facility").
- 6. As an OSC for the SSM/CIE Facility I have regularly visited the Facility. This declaration is based on previous visits to the Facility, analytical results derived from samples taken between February 1994 and the present, and my knowledge and review of the files pertaining to the Facility maintained at Chicago, Illinois, office of EPA Region 5, including the Administrative Record for the Facility.

- The SSM/CIE Facility includes a scrap metal shredding 7. operation. Chicago International Chicago, Inc. (f.k.a Chicago International Exporting) operates the facility located at 4004 through 4020 South Wentworth and 4000 through 4027 South Wells Street, Chicago, Illinois, which shreds electric motors. A title search was conducted by U.S. EPA and revealed that the Facility property is held in trust by a bank and that the beneficiary's to the trust are Steven and Lawrence Cohen. (See Exhibit A of this Declaration). Based on several visits to the facility, I observed that Steven and Lawrence Cohen manage the Facility, including its day-to-day operations. Operations at the facility began in 1928 under separate ownership. The south boundary of the Facility is located near a residential area within a highly populated area on the south side of Chicago, with an auto parts dealer and residences located within 100 feet of the Facility. The Facility is bounded by railroad tracks on the east and north, and by the Heatbath Corp. on the west. Residences are also located on the north side of the railroad tracks which border the north side of the Facility. The Facility includes several buildings, various sheds, a scrap metal shredder, a copper separator system, aluminum furnaces, a scale, an office building, and several piles of debris and scrap metal. (See Exhibit C at 8 to this Declaration).
- 6. On September 22, 1992, Illinois Environmental
  Protection Agency ("IEPA") was tasked by U.S. EPA Region 5 to
  conduct a CERCLIS Screening Facility Inspection ("SI") of the

Facility. (See Exhibit B to this Declaration). The SI was conducted on November 4 and 5, 1992, and consisted of the collection of twelve soil samples. The analytical results from on-site soil sampling indicated PCBs up to 670,000 parts per billion ("ppb").

On February 22, 1994, U.S. EPA performed a removal Site Assessment ("SA") at the SSM/CIE Facility. (See Exhibit C to this Declaration). During the inspection, U.S. EPA confirmed that the shredding of electric motors and reclamation of copper are the primary operations at the Facility. On that day, I contacted the owners and operators of the Chicago International Chicago, Inc. business (f.k.a. Chicago International Exporting), Mr. Steven Cohen, and Mr. Lawrence Cohen and was given access to the Facility. I observed that the facility was split into two yards. The east lot is used to shred the electric motors, and separate the copper, scrap and fluff. The shredded metallic material is also separated from the non-metallic material in the east lot. I observed that the west lot contains a scale and several empty semi-trailers. I also observed that the west lot also contains several piles of ash and other assorted waste material. I observed that no dust control equipment was connected to the shredding operation. Mr. Lawrence Cohen stated that the shredding unit was shut down during the inspection so that the dust would not impact sampling. I was told by Lawrence Cohen that the metallic material is then hauled into the main processing building where the copper is separated from the steel

and other debris with an air-forced cyclone separator. I observed that the dust from this operation was directly vented out a window into the streets and sidewalks of neighboring residences with no dust or pollution control. I have referred this air compliance issue to the Illinois Environmental Protection Agency, to the Cook County Air Board and to the City of Chicago.

I also observed that the soil, debris, and reclaimed copper and metal were coated in oil, and large oil stains were located in both the east and west lots, including the south portion of the east lot. The east lot encompasses approximately 2.5 acres and the west lot encompasses approximately .5 acres. Also, I observed piles of unshredded motors, containers of shredded metal material, and open burning on the south portion of the east lot. I observed an open ended pipe exiting the building from the copper separation system, which is located on the south portion of the east lot, and a continuous release of dust was blowing directly into the neighboring residences from that system.

- 10. Under my supervision and at the request of EPA, ten soil samples were collected from the Facility and analyzed for total metals, Toxicity Characteristic Leaching Procedure ("TCLP") metals, PCBs, volatile compounds and base neutral acids, and Dioxin.
- 11. I reviewed the analytical information from Huntingdon
  Laboratory which confirmed that the soil and debris found on-site
  contains hazardous substances as defined by CERCLA and are

hazardous by Resource Conservation and Recovery Act ("RCRA")
definition. Nine of ten samples collected were above RCRA
regulatory TCLP level of 5 ppm for lead ranging from 5.3 to 71
parts ppm, and two of the samples were up to 1.3 ppm which is
above the RCRA regulatory levels for cadmium of 1 ppm. This data
confirms that hazardous wastes are spread over the entire
Facility, including soils, fluff piles, and scrap. Based upon my
review of EPA guidance documents and toxicology manuals published
by the Agency for Toxic Substances and Disease Registry, elevated
levels of heavy metals such as cadmium, lead, zinc, and copper
are toxic to humans and animals. Exposure to lead may be
especially hazardous to children, potentially causing a decrease
in intelligence (IQ) scores, slowing of growth, liver and birth
defects, and hearing problems.

The sample results from Huntingdon Laboratory indicate that high PCB levels were detected in nine of the ten samples above the TSCA regulatory levels of 50 ppm. The samples ranged from 61 ppm to 2,000 ppm, confirming three previous inspections. Total metal values for lead, copper, and zinc were extremely high and above the health risk values, creating a high potential for ingestion and inhalation of airborne dust by neighboring residences, the public entering the Facility, and by Facility employees. Based upon my review of EPA human health risk guidance documents and toxicology manuals published by the Agency for Toxic Substances and Disease Registry, PCBs are potential carcinogens that bioaccumulate in humans and animals. Exposure

to PCBs may cause liver damage, skin irritations, reproductive and developmental effects and cancer.

Dioxin and Furans were detected in all four samples, with two samples containing levels up to 4 ppb, which is above the 1 ppb 2,3,7,8 Total Equivalency Factor risk-based level which is the threshold level for residential areas established by the Agency For Toxic Substances Disease Registry. <u>Id</u>.

12. On September 22, 1994, an Action Memorandum was issued by the Director of Waste Management Division, U.S. EPA, Region 5, authorizing a removal action at the SSM/CIE Facility. (See Exhibit D to this Declaration). Among other determinations, the Action Memorandum provides that, "actual or threatened release of hazardous substances from the site (SSM/CIE Facility), if not addressed by implementing the response actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment". The Action Memo authorized EPA to "[i]mplement a sampling plan and characterize all waste for disposal of all hazardous wastes of hazardous substances identified at the Facility" and to "treat and/or dispose of all contaminated soils at an [approved] facility". When implemented, those actions will address the release or threatened release of hazardous substances at the SSM/CIE Facility, within the meaning of Sections 101(25) and 104 of CERCLA, 42 U.S.C. §§ 9601(25) and 9604. Due to EPA funding constraints, an Action Memorandum could not be approved before September 22, 1994 for the SSM/CIE Facility.

- Order, Docket No. V-W-94-C-249 ("Removal Order"), as amended, was issued to Defendants by U.S. EPA in response to the release or threat of release of hazardous substances at the Facility. (See Exhibit E to this Declaration). The Removal Order required Defendants to implement the work identified in the Action Memorandum, which included, inter alia, sampling and disposing and/or treating all contaminated soil and debris from the Facility, restricting site access, and implementing dust control measures to eliminate fugitive dust emissions from further contaminating the Facility and surrounding area.
- 14. Defendants indicated during a meeting with EPA on October 5, 1994 and by letter dated October 18, 1994 that they do not intend to comply with that Order. (See Exhibit F to this Declaration). Defendants have not complied with the Removal Order to date.
- 15. When respondents to a unilateral administrative order, such as defendants, refuse to implement removal activities under such an order, or otherwise fail to comply with such an order, under Section 106 of CERCLA U.S. EPA may implement the actions identified in the Action Memorandum and any other actions necessary to respond to the release or threat of release of hazardous substances from the Facility.
- 16. On several occasions I requested access from defendant Lawrence Cohen, and/or from other representatives of defendant Chicago International Chicago, Inc. to the south portion of the

east lot, which comprises approximately 1.2 acres of the entire 3 acre site, in order to implement the actions authorized by the Action Memorandum. On each such occasion defendants denied my request for access. By letter dated October 11, 1994, Respondents refused U.S. EPA's request for access to the south portion of the east lot of the Facility. (See Exhibit G to this Declaration). I was given access to the west lot and the north portion of the east lot on the site for sampling and other response actions authorized by the Action Memorandum and identified in the Removal Order.

17. On October 17, 1994, additional samples were taken from the portion of the Facility where access was allowed. Results from those samples indicate that shredded copper material from the facility's shredding operation is contaminated with PCBs at 170 ppm and material off the belt of the shredder is contaminated with PCBs at 270 ppm. In addition, sample results from a pile of debris, which included unshredded motors, were contaminated with PCBs at 124 ppm and TCLP lead at 8.5 ppm. (See Exhibit H of this Declaration). Also, based on recent Facility visits, I observed that no dust control measures have been implemented on the shredder or the copper separation process except that dust from the copper separation process is vented onto the Facility instead of into the street and directly into the surrounding neighborhood. Due to the large amount of dust generated by both the shredder and copper separation process, wind blows the dust around the facility, including onto the south portion of the east

lot, and from the facility into the surrounding neighborhood.

Recently on November 9 and 10, 1994, I observed direct discharges of dust, aluminum foil, and other particulate matter from the copper separator into the street covering vehicles parked nearby.

On October 17, 1994, and other times while at the Facility, I observed that the metal shredder, which is the primary piece of machinery at the facility, lies directly on the line which defendants claim distinguishes the southern portion of the east lot from the rest of the Facility. (See Exhibit L to this Declaration, Site Survey). I also observed on several occasions that there is no fence or other physical boundary separating the north and south portions of the east lot, and that the north and south portions are used at the facility together as a single lot. I have also observed that shredded material is pushed and trucked from one end of the east lot to the other, including the south portion of that lot. Every time a truck or vehicle passes between the north and south portions of the east lot, the threat of a release of hazardous substances occurs due to dust blowing and contaminated soil sticking to the truck wheels. I have also observed that portions of the Facility which have not yet been sampled, including the south portion of the east lot, contain scrap metal piles, broken electric motors, dirt and debris piles, oil stained soil and debris, and other material which may cause a release or present a threat of release of hazardous substances from the Facility. In addition, employees of defendant Chicago International Chicago, Inc. indicated to me

on at least on occasion that capacitors are removed from electric motors on the south portion of the east lot and stored there in 55 gallon drums. Based on my experience as an OSC, capacitors from electric motors are known to contain PCB contaminated oil.

- 19. While visiting the facility I have also observed oil stains and debris on the ground on the south portion of the east lot which are indistinguishable from the nature of the oil stains and debris found on the north portion of the east lot.
- 20. I have also observed that the Facility accepts shredded motors and other material from an outside source and re-processes that material through defendants shredding operation. I observed that piles of the shredded motors are stored on the south portion of the east lot before being processed through the shredding system. Based on sampling data from shredded material at the facility, storage of such material on the south portion of the east lot constitutes a release or threat of release of hazardous substances.
- 21. On several occasions I have observed the public, including, transients and neighboring residents enter the south portion of the east lot. I have observed that residents continually walk between the east and west lots down Wells Street near the exhaust vent from the copper separator. Also, while removing debris from the west lot, I observed that abandoned trailers on the west lot of the Facility were being used by transients as a residence.

- that EPA, including its contractors may conduct necessary sampling of the entire Facility, and to allow U.S. EPA to implement all other response actions identified in the Removal Order and the Action Memorandum, and any other actions necessary to respond to the release or threat of release of hazardous substances from the Facility, EPA issued an Administrative Order for Access to Defendants on November 1, 1994, effective November 7, 1994 ("Access Order"). (See Exhibit I to this Declaration). As of November 7, 1994, Respondents have indicated that they do not intend to comply with the Access Order and have otherwise refused access to EPA. (See Exhibit I to this Declaration).
- 23. In order to address the release or threatened release of hazardous substances at the SSM/CIE Facility, EPA is currently conducting a response action within the meaning of Sections 101(25) and 104 of CERCLA, 42 U.S.C. §§ 9601(25) and 9604. Currently, EPA is conducting sampling on the west lot, as authorized by the Action Memorandum. Beginning on November 17, 1994, EPA will begin sampling on the east lot. (See Exhibit M to this Declaration, Sampling Plan). Therefore, access to the south portion of that lot is necessary to begin response actions on the east lot, as authorized by the Action Memorandum. EPA will begin treating and/or disposing of contaminated soil and material from the west lot as authorized by the Action Memorandum and identified in the Removal Order beginning November 21, 1994, and

will treat and/or dispose of contaminated soil and material from the east lot after sampling there is complete.

- 24. If EPA is not allowed access to the south portion of the east lot, the necessary response actions can not be completed at the Facility and the substantial threat of release of hazardous substances into the environment will continue to pose an "imminent and substantial endangerment to public health."
- 25. The environmental contamination at the SSM/CIE Facility presents an imminent and substantial endangerment to the public health, welfare and the environment arising from the actual release or threat of release of hazardous substances from the Facility, including lead, PCBs, cadmium and Dioxin in the soil and solid waste. Section 105 of CERCLA authorizes emergency response to abate that threat. Environmental contamination and public health risks are likely to increase without immediate access to identify and remove contamination at the SSM/CIE Facility.
- 26. Access to the SSM/CIE Facility is necessary to perform sampling and other removal and response actions identified in the Action Memorandum and is authorized by Section 104 of CERCLA. I estimate that EPA will require approximately six months to complete those actions.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge and belief. Executed this 14 day of November 1994.

U.S. EPA, Region 5



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## VOLUME II - SCREENING SITE INSPECTION ANALYTICAL RESULTS

E TARGET COMPOUND LIST ANALYTICAL RESULTS

#### SECTION 1

#### INTRODUCTION

On September 22, 1992, the Illinois Environmental Protection Agency's (IEPA) Site Assessment Unit was tasked by Region V of the United States Environmental Protection Agency (U.S. EPA) to conduct a CERCLA Screening Site Inspection (SSI) of Standard Scrap Metal located on the south side of Chicago, Illinois.

Standard Scrap was initially placed on the Comprehensive Environmental Response, Compensation, and Liability Act Information System (CERCLIS) on August 27, 1990. This action was the result of the IEPA's concern of potential exposure of hazardous wastes to the population and environment.

Standard Scrap Metal received its initial CERCLA evaluation in the form of a Preliminary Assessment (PA) completed by a representative of the IEPA in September of 1991. In October of 1992, the IEPA's Site Assessment Unit prepared and submitted a Screening Site Inspection work plan for Standard Scrap Metal to the Region V office of the U.S. EPA. The Screening Site Inspection sampling was conducted by the IEPA on November 4 and 5, 1992 which consisted of the collection of a total of 12 soil samples.

The purposes of a Screening Site Inspection have been stated by the U.S. EPA in a directive outlining Site Assessment Program strategies. The directive states:

### All sites will receive a screening SI to:

- 1) Collect additional data beyond the PA to enable a more refined preliminary HRS [Hazard Ranking System] score.
- 2) Establish priorities among sites most likely to qualify for the NPL [National Priorities List].
- Identify the most critical data requirements for the Listing SI step. A screening SI will not have rigorous data quality objectives (DQOs). Based on the refined preliminary HRS score and other technical judgement factors, the site will then either be designated as NFRAP [no further remedial action planned], or carried forward as an NPL listing candidate. A Listing SI will not automatically be done on these sites, however. First, they will go through a management evaluation to determine whether they can be addressed by another authority such as RCRA [Resource Conservation and Recovery Act]. Sites that are designated NFRAP or deferred to other statutes are not candidates for a Listing SI.

The Listing SI will address all the data requirements of the revised HRS using field screening and NPL level DQOs. It may also provide needed data in a format to support remedial investigation work plan development. Only sites that appear to score high enough for listing and that have not been deferred by another authority will receive a Listing SI (U.S. EPA 1988).

Region V of the U.S. EPA has also requested that the IEPA identify sites during the Screening Site Inspection that may require removal action to remediate an immediate human health or environmental threat.

#### SECTION 2

#### SITE BACKGROUND

### 2.1 INTRODUCTION

This section includes information obtained over the course of the formal CERCLA Screening Site Inspection investigation and previous U.S. EPA and IEPA activities involving Standard Scrap Metal.

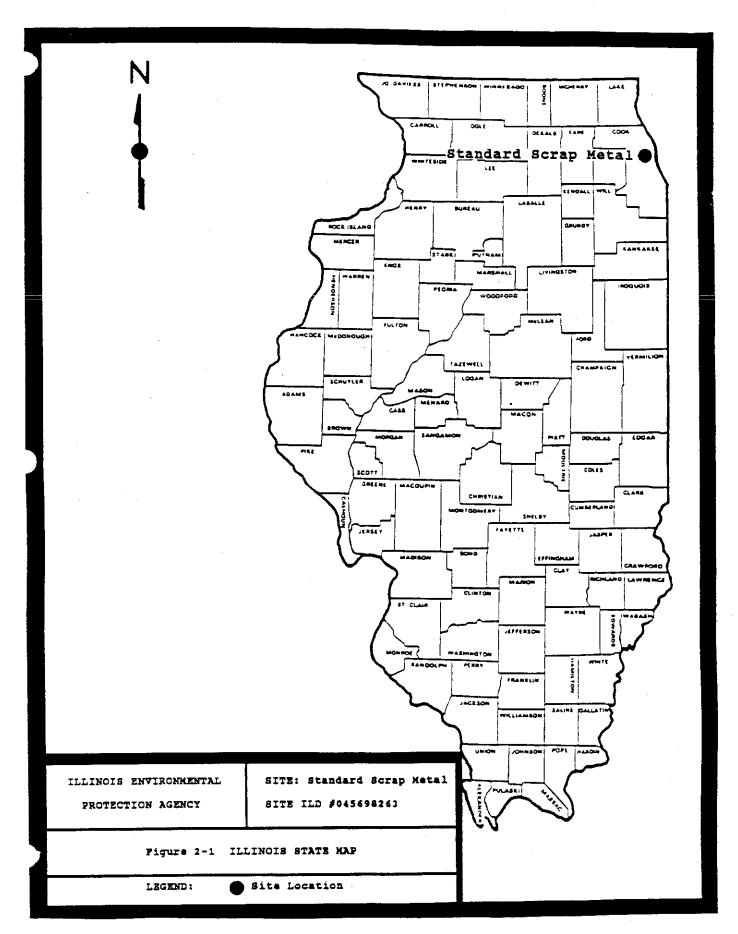
#### 2.2 SITE DESCRIPTION

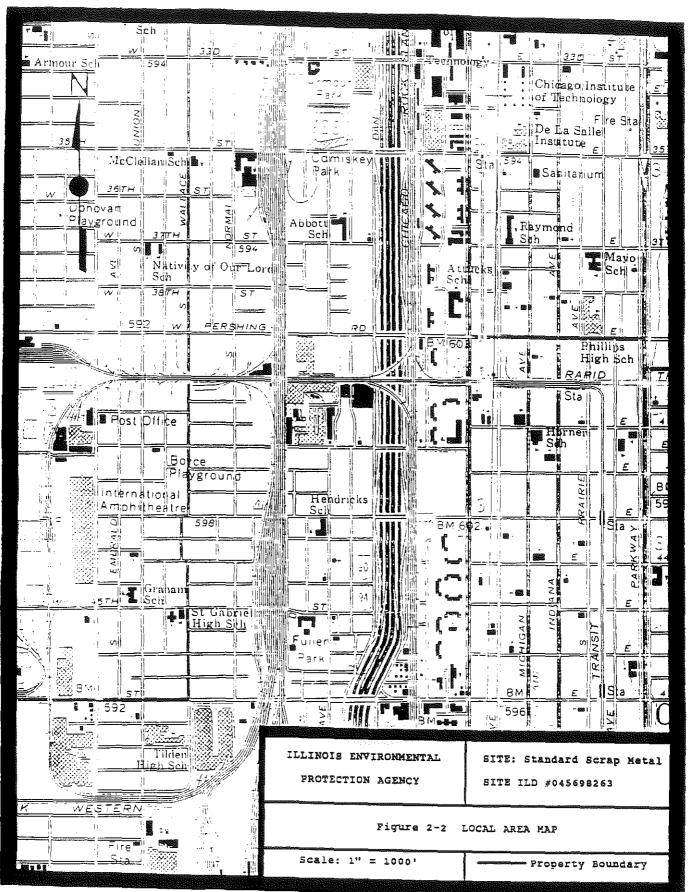
Standard Scrap Metal is a three acre scrap yard involved in the reclamation of metals. Past and present operations have taken place on two distinct parcels of property separated by Wells Avenue. The west lot is approximately .5 acres in size and the east lot is approximately 2.5 acres. The site is located in the northeast quarter of Section 4, Township 38 North, Range 14 East of the Third Principal Meridian, Cook County. A 4-mile radius map of the area surrounding Standard Scrap can be found in Appendix A of this report.

The mailing address given for Standard Scrap Metal is 4004

South Wentworth Avenue. It is located west of Interstate 90
94 (Dan Ryan Expressway), one block south of Pershing Road,
east of Princeton Road, and one block north of Root Street.

The site is located in a densely populated urbanized section
on the south side of Chicago, Illinois. The surrounding area
is primarily residential with housing projects and other





Source: USGS 7.5 Minute Topographic Maps for Englewood, IL, 1982, and Jackson Park, IL-IN, 1972.

PERS	HING RD.		
WELL9 AVE.	MENTWORTH AVE.		
	MIDWEST OFFICE		
HEATBATH CO.  HEATBATH CO.  NIMET	ENZT FURMA		
IL NOIS ENVIRONMENTAL SITE: Standard Scrap Metal  PROTECTION AGENCY SITE ILD #045698263  Figure 2-3 FACILITY MAP			
Base Map: Roy F. Weston, Inc.			